

Triennial Review Issues Suitable for ‘Expedited’ Rulemaking

Candidate Article 2 Changes

- **Criteria and Methodologies**
 - Bioaccumulative chemicals of concern (BCCs): replace the non-Great Lakes definition and list with the Great Lakes definition and list
 - Dissolved metals: change the non-Great Lakes aquatic life criteria for metals from acid soluble to dissolved
 - Free cyanide: change the non-Great Lakes aquatic life criteria from total cyanide to free cyanide
 - Methodologies for calculating aquatic life criteria and values
 - Methodologies for calculating wildlife criteria and values
 - General narrative criteria
 - Narrative criteria for whole effluent toxicity
 - Site specific modifications to criteria and values
 - Arsenic: delete human health criteria for non-Great Lakes
 - Dissolved solids, fluoride and sulfates: revise criteria for both non-Great Lakes and Great Lakes
 - Ammonia: revise criteria utilizing EPA’s 1999 guidance for both non-Great Lakes and Great Lakes
 - BCCs: revise criteria to be consistent with both non-Great Lakes and Great Lakes
 - Temperature: revise criteria in non-Great Lakes on where to measure for compliance with criteria
 - Mercury: revise criteria for deciding reasonable potential to exceed in the Great Lakes for mercury (327 IAC 5-2-11.5)
 - Averaging periods for BCCs. Revise criteria to allow for quarterly instead of monthly average.
- **Other Article 2 Candidate Changes**

IDEM has identified potential changes to Article 2 that would update existing rule language or remove rule language that is no longer necessary. Two examples are provided below:

 - Since 327 IAC 5-2-11.7 was revised by the Board, 327 IAC 2-1.5-4(c), the antidegradation standard for OSRWs, needs revised.
 - The table of limits in 2-1.5-8(k), Table 8-11, should be deleted. This table was left in the Great Lakes rule as a reference, only, and is no longer needed.

Incorporation by reference should be updated.

Some provisions concerning the analytical procedures and test methods should be changed to be consistent.

Article 5 Candidate Changes

- **Basic NPDES Requirements**

The 1999 Triennial Review Second Notice included changes to rules covering basic NPDES requirements besides the implementation procedures in 5-2-11.1 and 5-2-11.3 through 11.6. These changes could be reviewed and included in an Expedited rulemaking.

- **Implementation Procedures**

IDEM has identified potential updates, clarifications and technical corrections to the implementation procedures in 5-2-11.1 and 5-2-11.3 through 11.6. Two examples are provided below:

- Make the stream design flows used to calculate wasteload allocations for aquatic life and human health criteria consistent statewide.
- In 5-2-11.6(g)(4), clarify that concentration limits will be included with tiered mass limits in accordance with Indiana's MOA with EPA.

- **Lake and Sinkhole Discharger Rule**

The lake and sinkhole discharger requirements in 5-10-4 could be updated similar to that done in the 1999 Triennial Review Second Notice.

- **Small Sanitary Discharger Rule**

The small sanitary discharger rule in 5-10-5 could be updated similar to that done in the 1999 Triennial Review Second Notice.

Article 15 Candidate Changes

The 1999 Triennial Review Second Notice included changes to Article 15 that could be reviewed and included in a Fast Track rulemaking. IDEM is not proposing to add any new general permits in a Fast Track rulemaking.